

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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CIVIL MINUTES - GENERAL

Case No.	<u>2:16-cv-01001-CAS (AFMx)</u>	Date	<u>December 8, 2016</u>
Title	TAHAYA MISR INVESTMENT INC. V HELWAN CEMENT COMPANY S.A.E, ET AL.		

Present: The Honorable	<u>CHRISTINA A. SNYDER, U.S. DISTRICT JUDGE</u>
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<u>CONNIE LEE</u>	<u>Not Present</u>	<u>N/A</u>
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<u>Deputy Clerk</u>	<u>Court Reporter / Recorder</u>	<u>Tape No.</u>
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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
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<u>N/A</u>	<u>N/A</u>
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Proceedings: (IN CHAMBERS) DEFENDANT'S SUBMISSIONS IN SUPPORT OF AWARD OF ATTORNEYS' FEES (Filed December 5, 2016, Dkt. 111)

The Court finds this matter appropriate for decision without oral argument.
Fed.R.Civ.P. 78; Local Rule 7-15.

On November 14, 2016, the Court granted plaintiff's motion to voluntarily dismiss the First Amended Complaint ("FAC") and dismissed the FAC without prejudice. Dkt. 110. In light of plaintiff's voluntary dismissal of the FAC, the Court granted defendant reasonable attorneys' fees and ordered that "[d]efendant shall submit evidence of its attorneys' fees within 21 days of the issuance of this order." Id. at 11.

Where fee awards are appropriate and available, "the fee applicant bears the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates." Hensley v. Eckerhart, 461 U.S. 424, 437 (1983). The Court has an independent duty to determine whether the hours and hourly rate submitted by the fee applicant are "reasonable," and to reach its own "lodestar" value. The lodestar amount is "the number of hours reasonably expended . . . multiplied by a reasonable hourly rate." Id. at 433.

On December 5, 2016, defendant filed a declaration from Lorenzo Gasparetti, counsel for defendant, setting forth the fees incurred in association with each stage of proceedings in this matter. Dkt. 111. Defendant's submission includes an hourly billing rate for several attorneys on this matter as well as their professional backgrounds;

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however, defendant's submission does not include an accounting of the hours billed and instead merely states a total amount for each motion filed. For example, the declaration states that Helwan incurred \$8,000 in fees preparing a motion to dismiss for lack of proper service, which was subsequently rendered moot when plaintiff properly served Helwan, but it does not explain the number of hours worked on the matter such that the Court can calculate the appropriate lodestar value.

Accordingly, defendant's request for a total of \$552,467.79 in attorneys' fees is **DENIED without prejudice**. Defendant shall file records that include the number of hours worked, by whom, and a summary of the work performed sufficient to enable the Court to evaluate whether defendant's request is reasonable. Defendant may redact any portion of said records that contains privileged attorney-client information, but the defendant must nonetheless provide a description of services sufficient to apprise the Court of the nature of the work performed.

IT IS SO ORDERED.

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